

REMARKS

Claims 1-14 have been canceled. Claim 15 has been added. Claim 15 remains in this application. No new matter has been added.

ARGUMENTS

35 USC 102 Rejection.

Claims 1-3, 6-8 and 10-13 have been rejected under 35 USC 102(b) as being anticipated by Leehey (US 2,926,623). Claims 1-3, 6-8 and 10-13 have been canceled. Leehey is directed to a hydrofoil craft. By its very nature, a conventional hydrofoil craft does not, in fact, have only one lifting device on which to travel. Leehey discloses a hydrofoil having "three hydrofoils 20, 22 and 24...mounted in tandem on the bottom of the hull" (col. 3, lines 3-5). The Examiner states that Leehey discloses "one or more transversal elements." Applicant respectfully submits that Leehey requires the presence of a plurality of transversal elements (hydrofoils) in order to function. In contrast, the present invention provides a single lifting device. New Claim 15 of the present invention is directed to a watercraft having only a single lifting device comprising at least one transversal element. Such structure, including its placement with respect to the barycenter is not anticipated by Leehey.

35 USC 103 Rejections.

Claims 4 and 5 have been rejected under 35 USC 103(a) as being unpatentable over Leehey in view of Warner et al. (US 4,345,538).

Claims 4 and 5 have been canceled. New Claim 15 is not rendered obvious over the cited art. Warner et al. discloses a hydrofoil craft, which, similar to Leehey, requires the presence of at least two hydrofoil elements (forward hydrofoil 14 and stern hydrofoil 18). In contrast new Claim 15 is directed to a watercraft having a single hydrofoil. It would not have been obvious to obtain the single hydrofoil design of the present invention by combining Leehey and Warner et al. since both of these references are directed to conventional hydrofoil craft using a fore and stern hydrofoil (and, in the case of Leehey, a third, midcraft hydrofoil). One aspect of the novel nature of the present invention is the use of a single strategically-positioned hydrofoil which reduces drag and the amount of water displaced during movement

of the craft and increases the efficiency of the design as well as speed obtainable for its size and power. Additionally, there is no motivation or suggestion in the cited combination to modify a multiple hydrofoil design to obtain a single hydrofoil design of the present invention. Neither of the cited references is directed to achieving the goals of the present invention and neither is directed to the concept of using the barycenter as a structural focus.

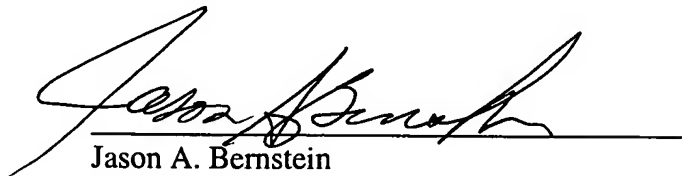
Claim 9 has been rejected under 35 USC 103(a) as being obvious over Leehey in view of Sachs (US 4,056,074). With regard to new Claim 15, Claim 9 has been canceled. Sachs, as with Leehey and Warner et al., is directed to a multiple hydrofoil design. For the same reasons as stated above, neither Leehey, Sachs nor the combination thereof discloses, teaches or suggests a balanced single hydrofoil design. Similarly, there is no motivation to combine the teachings of two references directed to multiple hydrofoil designs to produce the present invention as currently claimed.

CONCLUSION

Applicant submits that the patent application is in condition for allowance and respectfully requests such action. If the Examiner has any questions that can be answered by telephone, please contact the patent attorney of record at the telephone number listed below.

Respectfully submitted,

POWELL GOLDSTEIN LLP

A handwritten signature in black ink, appearing to read "Jason A. Bernstein", is written over a horizontal line.

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